



Report of the Arlington Redevelopment Board to the 2010 Annual Town Meeting April 26, 2010

The Arlington Redevelopment Board (ARB), acting as the Town's planning board, is required to issue a report with recommendations to the Town Meeting on each warrant article that proposes to amend the "Town of Arlington Zoning Bylaw". The ARB must first hold an advertised public hearing on each such warrant article. The advertisements appeared in the "Arlington Advocate" as required on February 18th and February 25th, 2010. The public hearing was held on Monday, March 8, 2010. At the meeting on March 22, 2010, the ARB voted on the recommended bylaw language shown below. On each of the warrant articles, the Board's vote was 4-0 (Andy West was absent.)

Appearing below (in italics) are the seven warrant articles that propose amendments to the Zoning Bylaw. The ARB's comment on each article is given, followed by its recommended vote to Town Meeting. Town Meeting members should take particular note of the fact that the recommendations of the ARB, and not the original warrant article, constitute the actual motion that will be considered by the Town Meeting. An ARB vote of "no action" means that the Town Meeting will be asked to vote that no action be taken on the proposed warrant article.

Warrant article language may be quite general or very specific. The vote, however, must be specific in order to precisely tell how the Zoning Bylaw will be modified. Even when the language in the warrant is specific, the vote or recommendation shown in this report may differ slightly from the warrant language. This occurs when errors are discovered, or testimony at the public hearing convinces the ARB that a change from the original warrant article should be recommended. In such cases, the recommended change cannot exceed the scope of the original warrant article. When there is question about the scope of the change, the Town Moderator will determine whether the change exceeds the scope of the original warrant article.

Changes to Zoning Bylaw text are shown below following the recommended votes. Additions to the Bylaw text appear as underlined text, while any deletions to the original text appear as ~~strike through~~ text.

Article 6

To see if the Town will vote to amend the zoning bylaw in Article 10, Section 10.12 by adding the following paragraphs at the end of Section 10.12, "The ZBA shall within ten (10) days after receipt thereof transmit one copy of such variance request to the ARB. The ARB may, in its discretion, investigate the case and report in writing its recommendations to the ZBA. The ZBA shall not take final action on such plan until it has received a report thereon from the ARB or until said ARB has allowed thirty (30) days to elapse after receipt of such plan without submission of a report thereon.", or take any action related thereto.

At present, the Arlington Zoning Bylaw requires that all Special Permit applications to the Zoning Board of Appeals be forwarded to the Arlington Redevelopment Board for comment prior to the ZBA taking final action.

In recent years, the ZBA has suggested that there may be value in also requiring that the ARB have the opportunity to report on applications for zoning variances. As a result, the ARB submitted this warrant article. After further consideration, however, the ZBA expressed concern that it may not be appropriate to modify the Zoning Bylaw in a way that could preclude the ZBA from taking final action on a variance before receiving a report from the ARB.

The Planning Department currently receives copies of variance applications and may refer them to the ARB for comment when it deems appropriate. It is expected that this practice will continue. Given the concerns expressed by the ZBA about amending the Zoning Bylaw and the ARB's ability to comment on variance applications without changing the law, the ARB recommends no action on this article.

VOTE:

No action

Article 7

To see if the Town will vote to amend the Arlington Zoning Bylaw to add a definition of bracket signs and to allow bracket signs that meet certain design criteria in certain business districts, or take any action related thereto.

Businesses have expressed an interest in using signs that hang perpendicular to the face of the building. The Commercial Development study recently conducted for the town recommended allowing this type of signage by-right especially for storefronts in Arlington Center, East Arlington and Arlington Heights, which comprise the business B3 and B5 districts. The ARB supports this recommendation provided the signs meet a design standard that protects the character of Arlington's three main business centers. For this reason, the language includes a decorative bracket to avoid perpendicular signs that are simply boxes projecting from a building façade. For the same reason, bracket signs would be illuminated by exterior light sources aimed at the sign. (Bracket sign illumination is addressed as part of warrant Article 11.) The size of bracket signs (in square feet) would be limited to either half the length of the façade in feet, or 12 square feet, whichever is less.

Bracket signs can be expected to benefit business owners on streets and ways perpendicular to Mass. Avenue where a wall sign is less visible from the main thoroughfare. They can also better attract foot traffic, and make a shopping district more visually appealing. For all of these reasons, the ARB urges support of this article.

VOTE:

That the Town vote to amend the Zoning Bylaw to add a definition for bracket signs after Sign, Awning, as follows, "Sign, Bracket:

A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind", and in Article 7, section 7.04k, after the words "from a building face" to add the words, "and with the further exception of bracket signs in the B3 and B5 zoning districts", and in Article 7, to add a new subsection after 7.073 as follows "7.073a Signs Permitted in Any B3 and B5 district One sign permitted by Sections 7.06 and 7.073 may be a bracket sign meeting the following dimensional requirements: a) no less than 8 feet clearance from ground level to bottom of the sign, b) no more than 15 feet high from ground level to top of the sign, c) the square footage of the sign shall be no larger than 12 sq feet or the number of feet equal to half the façade length of the establishment on which the sign hangs, whichever is less, and d) the sign shall project no more than 50 inches from the face of the building. The area of the sign shall be calculated based on its maximum height and width. Bracket signs shall not be hung over a vehicular way, shall not extend above the building, and shall not extend beyond the curb line."

TEXT:

Sign, Awning

ART. 10, ATM 4/01

A sign applied directly to or incorporated as part of an awning.

Sign, Bracket:

A sign mounted perpendicular to the building by means of a bracket, the design of which is meant to be decorative and integral to the sign's design, below which hangs the sign in a manner to withstand public or property damage from wind.

Sign Canopy:

ART. 3 ATM 4/88

rooflike covering, as a canvas, on a frame that is affixed to a building projecting over a sidewalk portion of a way, and carried by a frame supported upon the ground or sidewalk.

Section 7.04 - Prohibited Signs

The following signs shall not be permitted, constructed, erected or maintained.

a. Signs which incorporate in any manner flashing, moving or intermittent lighting, excluding public service signs showing time and temperature. . .

k. Signs which project over a public right-of-way with the exception of wall signs which may project no more than 12 inches from a building face and with the further exception of bracket signs in the B3 and B5 zoning districts.

ART.14, ATM 4/01

l. Signs in the R, B1 and OS districts containing a registered trademark or portraying a specific commodity for sale.

7.073 - Signs Permitted in Any B3, B5 I, or PUD District

One permanent wall sign for each street or parking lot frontage of each establishment, and if containing a registered trademark or portraying a specific commodity for sale, such trademark or commodity shall not occupy more than 10 percent of the sign area, unless said registered trademark or commodity is the principal activity conducted therein.

7.073a Signs Permitted in Any B3 and B5 district

One sign permitted by Sections 7.06 and 7.073 may be a bracket sign meeting the following dimensional requirements: a) no less than 8 feet clearance from ground level to bottom of the sign, b) no more than 15 feet high from ground level to top of the sign, c) the square footage of the sign shall be no larger than 12 sq feet or the number of feet equal to half the façade length of the establishment on which the sign hangs, whichever is less, and d) the sign shall project no more than 50 inches from the face of the building. The area of the sign shall be calculated based on its maximum height and width. Bracket signs shall not be hung over a vehicular way, shall not extend above the building, and shall not extend beyond the curb line.

Article 8

To see if the Town will vote amend the Zoning Bylaw to add a definition of Research and Development Activities to the Arlington Zoning Bylaw, or take any action related thereto.

This article is part of the Town's efforts to achieve designation as a Massachusetts Green Community, thereby making the Town eligible for state grants to reduce municipal energy costs.

One criterion of Green Communities designation is that the Town allow by-right siting of renewable and alternative energy research and development businesses. The bylaw currently allows Research and Development activities in the Industrial zoning district by right, but the bylaw does not provide a definition of Research & Development. This article provides a definition for Research & Development, including for renewable and alternative energy activities, that will ensure the Town's compliance with Green Communities Act requirements, without precluding activities already allowed. The language of the vote is based on the recommended Green Communities definitions.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 2, by inserting after the definition for "Repair" the words "Research and Development Activities: Establishments used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses."

TEXT:

Repair:

With respect to a building or structure, any construction which replaces materials and does not change the height, number of stories, size, use or location of a structure.

Research and Development Activities:

Establishments used primarily for research, development and/or testing of innovative information, concepts, methods, processes, materials, or products. This can include but not be limited to renewable or alternative energy research and development activities including the design, development, and testing of biological, chemical, electrical, magnetic, mechanical, and/or optical components in advance of product manufacturing. The accessory development, fabrication, and light manufacturing of prototypes, or specialized machinery and devices integral to research or testing may be associated with these uses.

Restaurant:

An establishment where the principal activity is the service or sale of food or drink for on-premises consumption

Article 9

To see if the Town will vote to amend Article 2 of the Zoning Bylaw to provide a definition for ground-mounted solar photovoltaic installations and to amend Article 5, Section 5.04 of the Zoning Bylaw to allow ground-mounted solar photovoltaic installations in certain zoning districts, or take any action related thereto.

This 10 registered voter article was placed on the warrant to further the Town's involvement as a Green Community of the Commonwealth of Massachusetts. By allowing ground-mounted solar photovoltaic installations, the Town would achieve a higher level of Green Communities designation, thereby making Arlington more competitive for grant awards under the Green Communities program. The ARB believes it is appropriate to allow such installations by right in the industrial zoning district as indicated in its recommended vote.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 2 by inserting after the definition for "Gross Floor Area" the words, "Ground-Mounted Solar Photovoltaic Installation: A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed twenty feet in height" and by inserting in Section 5.04 Table of Use Regulations a new section 5.12 and the words "Ground-Mounted Solar Photovoltaic Installation" under the Principal Use columns and the word "Yes" under the "I" column.

TEXT:

***Gross Floor Area:**

ART. 95, ATM 3/87, ART 12, ATM 4/01

The sum of the gross horizontal areas of all the floors of a principal building and its accessory building or buildings on the same lot, including basements, as measured from the exterior faces of the exterior walls, or centerlines of walls separating two (2) buildings, including:

- a. elevator shafts and stairwells on each floor,
 - b. that part of attic space with headroom, measured from subfloor to the bottom of the roof joists, of seven feet three inches or more, except as excluded in (4), below;
 - c. interior mezzanines, and penthouses;
 - d. basements except as excluded in (2), below; and cellars in residential use;
 - e. all weather habitable porches and balconies; and
 - f. parking garages except as excluded in (1), below;
- but excluding:
1. areas used for accessory parking garages, or off-street loading purposes;
 2. that part of basements devoted exclusively to mechanical uses accessory to the operation of the building;
 3. open or lattice enclosed exterior fire escapes;
 4. attic space and other areas for elevator machinery or mechanical equipment accessory to the operation of the building; and
 5. porches and balconies.

Ground-Mounted Solar Photovoltaic Installation:

A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and does not exceed twenty feet in height.

Health Club:

ART. 5 ATM 4/94

An establishment, operated for profit, providing space or facilities for physical exercise or for participating in sports activity.

ART. 15, ATM 5/91; ART. 4, STM 5/97; ART. 14, ATM 4/01;
ART. 2, STM 9/04; ART. 11, ATM 4/09

R0	R1	R2	R3	R4	R5	R6	R7
B1	B2	B2A	B3	B4	B5		
MU	PUD	I	T				

[illegible]

Article 10

To see if the Town will vote to amend the Zoning Bylaw regarding fencing allowed as screening, or take any action related thereto.

Article 10 would allow property owners and abutters to consider a wider range of appropriate alternatives to solid walls or fencing when parking lots and other uses are screened for aesthetic reasons. At present, only a solid wall or fence, five to six feet high are allowed when a wall or fence is allowed to substitute for some of the buffer strip used for screening. Occasions have arisen in which owners and abutters have preferred to use shorter walls or different types of fencing, such as wrought iron, but the bylaw currently does not allow this kind of flexibility. Because the purpose of this section of the bylaw is to protect abutters, the ARB believes it is appropriate to allow for greater flexibility in the design of the fence or wall in the buffer strip when the abutters and owner both approve.

VOTE: That the Town amend the Zoning Bylaw in Article 6 Section 16 by inserting in the fourth sentence after the words "A solid wall or" the words "solid wooden" and by adding the following sentence at the end of Article 6 Section 16 "Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence." and by further amending Zoning Bylaw Article 8 Section 12 b. (1) by inserting in the first sentence after the words "a solid wall or" the words "solid wooden" and by adding the following sentence at the end of Article 8 Section 12 b. (1) "Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence."

TEXT:

Section 6.16 - Screening and Space Buffers - Industrial and Business Districts and Parking Lots

ART. 4, ATM 4/97; ART.15, ATM 5/91; ART. 4, ATM 4/97

The strip shall contain a screen of plantings of vertical habit not less than three (3) feet in width and six (6) feet in height at the time of occupancy of such lot. Individual shrubs or trees shall be planted not more than twenty (20) feet on center, and shall thereafter be maintained by the owner or occupants so as to maintain a dense screen year-round. At least fifty (50) percent of the plantings shall consist of evergreens and they shall be evenly spaced. A solid wall or solid wooden fence, five (5) to six (6) feet in height, complemented by suitable plantings, may be substituted for one-half the required width of such landscaped buffer strip; however, provisions of this section shall not supersede the minimum setbacks for parking lots per Section 8.12 nor the minimum yard requirements of Section 6.00. No screen shall be closer than ten (10) feet to a public or private way. Where deemed appropriate by the property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.

b. For any area used for the parking of more than five vehicles, screening provisions of Section 8.12 shall apply.

Section 8.12

b. All parking and loading areas containing over five (5) spaces which are not inside a structure shall also be subject to the following.

(1) The surfaced area shall be set back at least ten (10) feet from front lot lines and from all lot lines of abutting property used for residential purposes; however, for side and rear lot lines the setback need only be five (5) feet if the setback includes a solid wall or solid wooden fence, five (5) to six (6) feet in height complemented by suitable plantings. In no case shall the paved area be set back from the front lot line a distance less than the minimum front yard setback for the district, nor from a side or rear lot line a distance less than the minimum buffer width required by Section 6.16(a). Where deemed appropriate by property owner and immediate abutters, and as approved by the building inspector, another wall or fence height or fence type, including but not limited to coated chain link or "wrought iron" types may be substituted for the required wall or fence.

Article 11

To see if the Town will vote to amend the Zoning Bylaw section 7.03e regarding allowable forms of illumination for signs, or take any action related thereto.

The purpose of this article is to strengthen and reinforce current prohibitions in the Zoning Bylaw against signs that depend on a light source directed at the viewer, and to prohibit recent sign design technology that could distract motorists, could confuse the interpretation of traffic signals, and that could detract from the aesthetics of Arlington's business districts. This article would not prohibit sustainable light sources used as illumination shining on a sign or used for internal illumination. It would prohibit a light source aimed at the viewer as the graphic design of the sign, which is how the bylaw has traditionally been interpreted in the past.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 7 Section 3e by inserting the word "and" between the words "interior" and "exposed" and between the words "exterior" and "shielded" and between the words "stationary" and "of reasonable" and by adding at the end of Article 7 section 3e a comma and the words "except that interior illumination is prohibited for bracket signs. Signs fabricated with letters, numbers, designs, or images consisting of a visible light source emitted from the face of the sign, including, but not limited to, incandescant and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes, are prohibited."

TEXT:

Section 7.03 - General Regulations

e. All illumination shall be either interior and nonexposed or exterior and shielded and directed solely at the sign and shall be steady and stationary and of reasonable intensity, except that interior illumination is prohibited for bracket signs. Signs fabricated with letters, numbers, designs, or images

consisting of a visible light source emitted from the face of the sign, including, but not limited to, incandescent and fluorescent bulbs, LED price signs, LED and digital displays, and neon tubes, are prohibited.

Article 12

To see if the Town will vote to amend the Zoning Bylaw in Article 10, Section 10.10(a) ("Membership"), to increase the number of members of the Zoning Board of Appeals (ZBA) from three to five, or take any action related thereto.

The Arlington Zoning Board of Appeals is a three-member board. State law allows three-member or five-member boards. The Board of Selectmen inserted this article after hearing from candidates for appointment to the Zoning Board of Appeals in 2009 who reportedly favored a five-member board.

The ARB understands that both three and five member boards may effectively serve the community. While there was some concern expressed at the warrant article hearing that the larger board may have difficulty finding five members to serve at each hearing, the continued presence of two associate members on the ZBA, who can serve in the case of an absence or vacancy, should reduce this problem. In addition to providing a broader perspective on applications before the ZBA, the larger board size may also allow associate members to participate more fully. Town Meeting Members will need to consider the merits of three and five member boards. A three-member ZBA provides the import of requiring a unanimous vote to grant a special permit, variance, or appeal from a decision of the building inspector, whereas a five-member board allows more flexibility by requiring a four-member vote.

VOTE:

That the Town vote to amend the Zoning Bylaw in Article 10 Section 10 by changing the word "three" in the first sentence to the word "five" and to change the numeral 3 in the first sentence to the numeral 5.

TEXT:

Section 10.10 - Board of Appeals

a. MEMBERSHIP. There shall be a ZBA consisting of ~~three~~ five (3) (5) members and two (2) associate members. All members of said ZBA shall be residents of the Town of Arlington, one (1) member shall be an Attorney-At-Law, and at least one of the remaining members shall be a registered architect or a registered professional engineer.